

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE AMENDING PORTIONS OF CHAPTER  
19.44 OF THE SUNNYVALE MUNICIPAL CODE TO  
ALLOW AUTOMOBILE RETAIL ESTABLISHMENTS TO  
DISPLAY DECORATIVE BANNERS ALONG EL CAMINO  
REAL**

WHEREAS, the City Council of the City of Sunnyvale finds that automobile retail establishments located in the C-2, highway business zoning district along El Camino Real, due to the nature of their operations which include large outdoor sales areas, the need for site identification to compete on a regional basis, and their importance as significant economic resources to the City, warrant signs which are unique and distinct from other uses in the City; and

WHEREAS, the City Council desires to promote the health and economic vitality of the community now and in the future, and therefore finds it in the community's best interest to develop and support the success of these automobile retail establishments through a program for enhanced signage and visibility.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION 19.44.020 AMENDED. The Sunnyvale Municipal Code is hereby amended by amending Section 19.44.020 (9), entitled "Banners," to read in full as follows:

**19.44.020. Types of signs and related regulations.**

(1) – (8) [Text unchanged.]

(9) Banners.

(a) In commercial zones or with commercial uses in nonresidential zones, banners may be displayed provided that a temporary commercial sign permit is obtained, except that in the C-2, highway business zoning district along El Camino Real, decorative banners for automobile retail establishments may be permitted in accordance with the requirements set forth in Section 19.44.145.

(b) Banners shall not be permitted on property zoned exclusively for residential use unless otherwise specified in this chapter.

(10) – (70) [Text unchanged.]

SECTION 2. SECTION 19.44.145, ADDED. The Sunnyvale Municipal Code is hereby amended by adding a new Section 19.44.145, entitled "Automobile retail establishment decorative banner program," to read in full as follows:

**Section 19.44.145. Automobile retail establishment decorative banner program.**

(a) Purpose. The purpose of allowing decorative banners for automobile retail establishments located in the C-2 zoning district along El Camino Real is to recognize the distinctive requirements of this form of retail and to foster a unified image of a Sunnyvale “auto row.” Uniform decorative banners will strengthen the collective impact of display and advertising for auto retail along El Camino Real, in a manner that is attractive, compatible, and safe, and enhances the streetscape and the economic well-being of the City.

(b) Automobile Retail Establishment Defined. “Automobile retail establishment” means an establishment whose primary use of a building or property is for outdoor display and sale of new or used automobiles, trucks, vans, motorcycles, trailers or recreational vehicles. The term does not include establishments for which the sale of vehicles is an incidental use, such as rental car agencies.

(c) Decorative Banner Defined. “Decorative banner” means a non-permanent sign, made of durable fabric, fastened from the top and bottom to a pole or similar structure on private property located within 30 feet of the property line adjacent to a public street.

(d) Decorative Banner Program. Any automobile retail establishment desiring to display decorative banners may only do so as a participant in an approved decorative banner program. All decorative banners must be consistent with the approved program, and no more than one decorative banner program may be approved for any twelve month period.

(e) Decorative Banner Program Permit and Requirements. The director of community development may approve a decorative banner program permit in accordance with the regulations and criteria set forth in this section and may impose such other reasonable conditions as may be deemed necessary in the public interest. The director of community development may deny an application for a permit if the proposed program does not comply with the regulations or if the director finds that the public interest will not be served by issuance of the permit. The following regulatory standards are required conditions for any decorative banner program:

(1) Location. The entire decorative banner shall be located on private property, outside of vision triangles of motorists and shall not extend into or be allowed to move into the public right-of-way.

(2) Quantity. Each property participating in a decorative banner program may display a maximum of one banner for every 30 lineal feet of street frontage.

(3) Size. Each decorative banner shall be a minimum of 8

square feet and a maximum of 16 square feet. All decorative banners in a decorative banner program shall be the same size.

(4) Distance between decorative banners. No decorative banner shall be located closer than 10 feet to another banner.

(5) Height. The bottom of each banner shall be at least 8 feet and not more than 12 feet high measured from the top of the nearest curb. All decorative banners located on a property shall be the same height.

(6) Materials. Decorative banners shall be of durable fabric intended for outdoor use such as altrafab, prytone, sunbrella or similar quality fabric. Non-fade inks shall be used on the decorative banners.

(7) Hardware. Brackets for mounting the decorative banners to poles shall be of high quality such as stainless steel banding with fiberglass arms which can flex with the wind.

(8) Maintenance. Regardless of the time frame permitted for decorative banners through a decorative banner program, decorative banners shall be promptly replaced when ink fades or fabric tears, frays or fades. Hardware shall be replaced or repaired when damaged or twisted. All decorative banners shall be fastened to keep taut and shall not be loose or floppy.

(f) Permit application. An application for a decorative banner program permit shall be made on a form supplied by the director of community development and initiated by owners or agents of automobile retail establishments. The application shall be accompanied by the required fee, as adopted by resolution of the city council. In order to apply, the applicants must demonstrate, by providing written documentation, that at least 51 percent of the automobile retail establishments located along El Camino Real in Sunnyvale consent to the proposed program. Along with demonstrating that all of the above required conditions of approval have been met, the following information shall be submitted to the director of community development in conjunction with an application for a permit. Additional information, as determined by the director of community development may be required.

(1) Site plans for each automobile retail establishment that will be participating in the program, indicating quantity, location and height of decorative banners for each property;

(2) Color drawings showing decorative banner design, including colors, materials, hardware and size;

(3) Explanation of duration of display of each set of banners that are requested as part of the decorative program.

(g) Permit Duration and Renewal. A decorative banner program permit may be issued for a total of 12 months with a maximum of four sets of decorative banners. A set of decorative banners may be displayed for a maximum of six months, after which the banners shall be removed or replaced by another set of decorative banners which have been pre-approved. The permit shall expire automatically after 12 months from the date of issuance. Upon expiration of the permit, automobile retail establishments may apply for another permit following the same procedures as for an original application.

(h) Appeal of denial of permit. The applicant may appeal the decision of the director of community development to deny a decorative banner program within fifteen days of the decision to the planning commission, in accordance with the general procedures set forth in Chapter 19.98 . The planning commission may approve, approve with conditions, or deny the application for a decorative banner program. The decision of the planning commission shall be final.

SECTION 3. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official newspaper of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held September 28, 2004, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, 2004, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor